

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 306 OF 2000

Bhagwan S/o Bhimaji Shendge,
Age 55 years, Occu.: Agriculture,
R/o Murshadpur, Tq. Ashti,
District Beed

.. Appellant
(Orig. Petitioner)

VERSUS

The State of Maharashtra

.. Respondent
(Orig. Respondent)

Mr. Bhushan Kulkarni, Advocate for the appellant
Mr. S.G. Sangle, AGP for the respondent/State

CORAM : M.T. JOSHI, J.

DATE : 16/02/2015

ORAL JUDGMENT :

1. Heard both sides.
2. Aggrieved by the direction to pay lesser compensation than claimed by the present appellant in a land acquisition reference proceeding, the present appeal is preferred.
3. The land of the present appellant alongwith other lands of village Murshadpur, Tq. Ashti, Dist. Beed were acquired for the purpose of construction of

percolation tank. Notification under section 4 was published on 21/12/1989. The possession was already obtained by the State on 23/02/1987. The Land Acquisition Officer offered price at the rate of Rs.100/- per Are. According to the appellant, the price of the land was Rs.1500/- per Are. Therefore, the reference proceedings were filed. The learned Judge of the reference Court after hearing both sides, awarded compensation at the rate of Rs.290/- per Are. Hence, the present appeal.

4. Upon hearing both sides, following point arises for my determination :-

. Whether the compensation awarded by the learned reference Court represents the true market value ?

My finding to the same is in the affirmative. The appeal is therefore dismissed without any order as to costs for the reasons to follow.

R E A S O N S

5. It is the case of the appellant, that his land

was irrigated land was not accepted by the learned Judge, as in the 7/12 extract, no specific area was mentioned in respect of cultivation of the crops like wheat and sugarcane. The sale instance at Exhibit 38 was not accepted as it was within the local limits of Ashti, a tehsil headquarter, while the present land is from village Murshadpur. Exhibit 40 - another sale instance of village Mangrul however was taken into consideration. It would show that 7-1/2 Ares of land was sold for Rs.5000/- on 11/2/1988. Finding that it was only 7-1/2 Are of irrigated land, the learned Judge assumed the deduction at the rate of 60% and accordingly, the price was arrived at Rs.266/- per Are. Considering the date of the sale instances and date of section 4 notification, enhancement in the price was granted and it was fixed at the rate of Rs.290/- per Are.

6. It is to be noted that small piece of land was considered by the learned Judge. Further, though the possession of the land was obtained on 23/2/1987, the learned Judge has taken into consideration the date of publication of notification under section 4 of the Land Acquisition Act and, thereafter escalation in the price

was granted. In the circumstances, since there is nothing on record to enhance the compensation, the following order:-

7. First appeal is hereby dismissed without any order as to costs.

Sd/-

[M.T. JOSHI]
JUDGE

arp/